

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

DAVID SILVER,

Plaintiff,

v.

CV 15-830 WPL/KK

QUORA, INC., and ADAM D'ANGELO,
Founder, Principal Owner, and CEO, Quora, Inc.,

Defendants.

**ORDER SETTING PRETRIAL CONFERENCE,
JURY SELECTION, AND JURY TRIAL**

This matter came before me for a telephonic conference on **February 17, 2016**. The following settings and deadlines are hereby imposed.

A **Pretrial Conference** will be held in person on **October 21, 2016, at 8:30 a.m.**, in the **Hondo Courtroom of the Pete V. Domenici United States Courthouse, 333 Lomas Avenue N.W., Albuquerque, N.M.** All pro se parties and attorneys who will be participating in the trial of this matter must be present for the pretrial conference. All motions in limine shall be heard at the pretrial conference.

Jury Selection and Jury Trial will begin on **November 7, 2016, at 8:30 a.m.**, in the **Hondo Courtroom of the Pete V. Domenici United States Courthouse, 333 Lomas Avenue N.W., Albuquerque, N.M.**

Witness lists, designations of deposition testimony, exhibit lists and books of exhibits, a statement of the case, jury instructions, requested voir dire, and motions in limine¹ are due **October 7, 2016**. Any responses or objections are due **October 14, 2016**.

The parties are encouraged, but not required, to submit trial briefs outlining basic legal theories, anticipated evidence in support of the theories, and the legal basis of any anticipated evidentiary disputes. The briefs are due **October 31, 2016**.

Witness Lists: The parties shall file their witness lists, which must disclose both witnesses that the parties “will call” and witnesses that they “may call” at trial.

Designations of Deposition Testimony: The parties shall file designations of deposition testimony that they intend to use at trial. The designations must state the pages and lines of the deposition to be used. Counsel must submit copies of the depositions to my chambers by the due date above and must highlight the parts of the depositions that are to be used. Plaintiff will use a yellow marker and Defendant a blue marker. These requirements do not apply to cross-examination or rebuttal of a witness presented in person at trial.

Exhibits: The parties shall file one list of stipulated exhibits and separate lists of contested exhibits. They shall also submit two books of marked exhibits to my chambers. The first book shall include exhibits that the parties stipulate to be admissible, and shall be labeled consecutively. The second book shall include exhibits whose admissibility is contested, and shall be labeled consecutively beginning with the next sequential number after the final stipulated exhibit designation. For instance, if there are 50 stipulated exhibits, 20 contested plaintiff’s exhibits, and 20 contested defendant’s exhibits, the first notebook shall contain

¹ Motions challenging the admissibility of expert testimony under *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993) are not motions in limine. *Daubert* motions shall be filed no later than the dispositive motion deadline.

stipulated exhibits numbered 1 to 50. The second notebook shall contain plaintiff's contested exhibits numbered 51 through 70 and defendant's contested exhibits numbered 71 through 90.

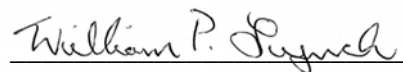
Statement of the Case: The parties shall file a consolidated, clear, concise statement of the case, to be read by the Court to the jury at the beginning of trial. If counsel are unable to agree to a consolidated statement of the case, they shall file separate statements of the case.

Jury Instructions: The parties shall meet and confer about proposed jury instructions. Plaintiff is responsible for filing a set of requested jury instructions to which all of the parties agree. Requested instructions upon which the parties cannot agree must be filed separately by the requesting party. There shall be only one instruction per page and each instruction shall include a citation to supporting authority at the bottom of the page. The parties must also email a copy of the instructions in Word format, without citations, to wplproposedtext@nmcourt.fed.us.

These requirements do not apply to the stock instructions on my page at the Court's website, www.nmcourt.fed.us. When filing their requested instructions, the parties must include a separate page that lists requested stock instructions by number. It is not necessary to duplicate the language of the stock instructions, nor is it necessary to email these instructions.

A party must file written objections to an opposing party's requested instructions.

IT IS SO ORDERED.



William P. Lynch
United States Magistrate Judge